

Appln. No. 10/616,753
Docket No. 130373/GEN-0346

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REMARKS / ARGUMENTS

Status of Claims

Claims 1-39 are pending in the application and stand rejected. Applicant has amended Claims 1 and 22, leaving Claims 1-39 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §103(a) have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Rejections Under 35 U.S.C. §103(a)

Claims 1-2, 6, 8-10, 16, 22-23, 27, 29-31 and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over H.C. Anderson (U.S. Patent No. 3,440,528, hereinafter Anderson) in view of Kane (U.S. Patent No. 4,614,925, hereinafter Kane) and Sementchenko (U.S. Patent No. 6,215,307, hereinafter Sementchenko).

Claims 3, 7, 24 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson in view of Kane, Sementchenko and Roberts, Jr. et al. (U.S. Patent No. 6,661,634, hereinafter, Roberts Jr.).

Claims 4-5, 17, 25-26 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson in view of Kane, Sementchenko and Havot et al. (U.S. Patent No. 5,121,078, hereinafter Havot).

Claims 11 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson, in view of Kane, Sementchenko and Brandeau (U.S. Patent No. 4,750,266, hereinafter Brandeau).

Claims 12 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson, in view of Kane, Sementchenko and Shimada et al. (U.S. Patent No. 6,020,867, hereinafter Shimada).

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Claims 13-14, 18-19, 34-35 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson, in view of Kane, Sementchenko and Stahl (U.S. Patent No. 5,388,021, hereinafter Stahl).

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson, in view of Kane, Sementchenko and Roberts Jr.

Claims 15 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson, in view of Kane, Sementchenko and Bender (U.S. Patent No. 6,926,288, hereinafter Bender).

Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson, in view of Kane, Sementchenko and Knigge et al. (U.S. Patent No. 6,639,779, hereinafter Knigge).

Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention in such a manner as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

The Examiner acknowledges that Anderson and Kane are deficient in disclosing the claimed distributed capacitance, and looks to Sementchenko to cure this deficiency. Office Action Paper No. 20070503, page 2.

Applicant has amended independent claims 1 and 22 to further define the claimed invention as it relates to the distributed capacitance. As now more specifically claimed, Applicant is claiming *a parallel plate distributed capacitance having a capacitance distributed over the two plates disposed in parallel with each other, and where the second plate defines a ground plate of the distributed parallel plate capacitance.*

No new matter has been added as antecedent support can be found in the application as originally filed at Paragraph [0029] and Figures 2 and 3 for example.

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In comparing Anderson and Kane with the claimed invention as amended, Applicant agrees with the Examiner that both Anderson and Kane are wholly deficient in disclosing or teaching a distributed capacitance, now claimed as a distributed parallel plate capacitance.

In comparing Sementchenko with the claimed invention as amended, Applicant finds Sementchenko to disclose and teach a plurality of capacitances C1-C10 formed by overlapping conductors 108-126 (Fig. 3, col. 5, lines 23-26), where the capacitances C1-C10 are electrically disposed in series with each other via interconnected inductances L1-L11 (Fig. 5). As such, Applicant finds Sementchenko to disclose and teach a plurality of capacitances electrically arranged in series absent a common ground plane, and to be wholly deficient in disclosing or teaching the now claimed parallel plate distributed capacitance having a capacitance distributed over the two plates with the second plate defining a ground plane for the distributed parallel plate capacitance.

Applicant submits that the structure of Sementchenko (series connected discrete capacitances) is substantially different from the now claimed invention (distributed parallel plate capacitance with a common ground plane).

Dependent claims inherit all of the limitations of the respective parent claim and any intervening claim.

In view of the foregoing, Applicant submits that the References fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the patent Applicant has done, fail to offer any reasonable expectation of success in combining the References to perform as the claimed invention performs, and discloses a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be traversed.

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In light of the forgoing, Applicant respectfully submits that the Examiner's rejections under 35 U.S.C. §103(a) have been traversed, and respectfully requests that the Examiner reconsider and withdraw these rejections.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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